TWO CHAPTERS

OF

A celebrated FRENCH Work,

INTITLED,

DE L'ESPRIT DES LOIX,

Tranſlated into ENGLISH.

ONE, TREATING

Of the Conſtitution of ENGLAND;

ANOTHER,

Of the Character and Manners which reſult from this Conſtitution.

O fortunatos nimium! ſua ſi bona norint.

VIRG.

EDINBURGH:

Printed for Meſſ. HAMILTON and BALFOUR, and ſold by them and other Bookſellers in Town. 1750.

[Price Four Pence.]

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ADVERTISEMENT.

AS many, who have neither time nor inclination to read ſo large a work as the treatiſe on *the Spirit of Laws*, nor are perhaps ſufficiently acquainted with the *French* language, may yet have curioſity to ſee the opinion of ſo eminent a *Frenchman* concerning the *Britiſh* conſtitution, a tranſlation of theſe two chapters has been attempted. And tho' 'tis impoſſible to æqual the ſtrength and conciſeneſs of the original, it is hoped at leaſt, that the ſenſe of the author has in few places been miſtaken.

BOOK XI. CHAP. VI.

Of the Conſtitution of England.

THere are in every ſtate three different powers; the legiſlative power, the executive power in thoſe things which depend on the law of nations, and the executive power in matters depending on the civil law.

By the firſt, the prince or the magiſtrate enacts laws for a certain definite time, or for ever; and amends or repeals ſuch as have been enacted. By the ſecond, he makes peace, or declares war; ſends ambaſſadors abroad, or receives embaſſies at home; eſtabliſhes ſecurity, and prævents invaſions. By the third, he puniſhes crimes, or determines differences between particulars. This laſt may be called the *judicative*, while the other may ſimply be ſtyled the *executive* power of the ſtate.

The political liberty of a citizen, is that tranquillity of mind which proceeds from an opinion of his perfect ſecurity. That this liberty may be enjoyed, the conſtitution muſt neceſſarily be ſuch, that the citizens may have no apprehenſions of danger from each other.

When the legiſlative authority is united to the executive, and both are veſted either in one ſingle perſon, or in a particular body, there is no liberty; becauſe it may be feared the ſame monarch, or the ſame ſenate, may enact tyrannical laws, to execute them tyrannically.

Neither is there any liberty, if the judicative power be not disjoined both from the legiſlative and executive authority. If it were united to the legiſlative, the lives as well as liberties of the citizens would be ſubjected to an arbitrary will; for the judge would be a legiſlator: if to the executive, he might have the force of an oppreſſor.

All would be loſt, if the ſame man, or the ſame body, either of Nobles or Commons, at once exerciſed each of theſe powers, of legiſlation, of executing the public reſolutions, and of judging in the crimes or the differences of private citizens.

In moſt of the kingdoms of Europe the government is moderate; becauſe the prince, who poſſeſſes the two firſt powers, leaves to his ſubjects the exerciſe of the third: but among the Turks, where they are all three veſted in the Sultan's ſingle perſon, there reigns a moſt frightful deſpotiſm.

In the republics of Italy, where theſe three powers are united, there is found to be leſs liberty than in our monarchies. The government too ſtands in need of as violent meaſures to ſupport itſelf, as that of the Turks. Witneſs the Venetian Inquiſitors of State, and that cheſt, into which every informer may at all times throw his accuſations.

Conſider what may be the ſituation of a citizen in ſuch republics. The ſame body of magiſtrates, as executors

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executors of the law, have whatever power they pleaſe to aſſume as legiſlators. By their general decrees they can ravage the ſtate; and, as they are alſo poſſeſſed of the judicative power, by their particular ones they can ruin each particular citizen.

In theſe ſtates all authority is one: and tho' there don't appear that external pomp which attends and diſtinguiſhes a deſpotic prince, yet deſpotiſm itſelf is felt at every turn, and on every occaſion.

Thus princes who have wanted to render their power deſpotic, have ever begun by uniting in their own perſons all the magiſtracies; and ſeveral European potentates have attempted the ſame thing with reſpect to all the great offices and dignities of their ſtate.

I believe, indeed, the pure hereditary ariſtocracy of the Italian republics, anſwers not præciſely to the deſpotiſm of Aſia. The multitude of their magiſtrates ſometimes ſoftens the magiſtracy; the whole Nobility don't always concur in the ſame deſigns; they have different tribunals, which mutually temper each other. So, at Venice, the Grand Council hath the legiſlative, the Pregady the executive, and the Council of Forty the judicative power. But the miſchief is, that theſe different tribunals are made up of magiſtrates from the ſame body; and 'tis thus that there is not but one united authority.

The judicative power ought not to be intruſted to a permanent ſenate, which always continues the ſame; but ſhould be exerciſed by perſons taken from the body of the people, at certain ſeaſons of the year, in the manner præſcribed by law, to conſtitute a tribunal to continue no longer than neceſſity requires.

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In this way, the judicative authority, ſo terrible to mankind, being annexed neither to any particular order, nor any certain profeſſion, becomes, ſo to ſpeak, inviſible and null. The judges would not continually præſent themſelves before the eyes of the people; and the magiſtracy, not the magiſtrates, would be feared.

It is even neceſſary in grand accuſations, that the criminal, in concurrence with the law, have the option of his judges, or at leaſt that he have the power of rejecting ſo great a number, that thoſe who remain may be eſteemed his own choice.

The two other powers, of legiſlation, and execution, may with more convenience be intruſted to permanent magiſtrates or bodies; becauſe they are not exerciſed on any particular perſon; the one being nothing but the general will of the ſtate, and the other the execution of this general will.

But if the tribunals ought not to be fixed, nor the judges permanent, the judgments themſelves ſhould be ſo to ſuch ſtrictneſs, that at no time ſhould they be any thing elſe than a præciſe text, or the præciſe words of the law. If they were the private opinion of the judge, people would live in ſociety without knowing with præciſion the engagements they contracted in it.

It is requiſite alſo, that the judges be of the rank and condition, or the peers of the accuſed; that thus he may not imagine he is fallen into hands biaſſed by intereſt to do him injuſtice and violence.

If the legiſlative authority allows to the executive the right of impriſoning ſuch citizens as can give bail for their behaviour, there is no more any liber-

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ty; unleſs they have been arreſted, to anſwer, without delay, to an impeachment for a capital crime: in which caſe they are really free, as not being ſubjected but to the authority of the law.

But if the legiſlature believes itſelf in danger from any ſecret conſpiracy againſt the ſtate, or correſpondence with enemies abroad; it may, for a ſhort and limited time, allow the executive power to arreſt ſuſpected citizens; who would thus for a while loſe their liberty, only that it might be præſerved ſecure for ever.

And this is the only reaſonable way to ſupply the want of the tyranny of the Spartan Ephori and Venetian Inquiſitors, who are ſo truly deſpotic.

As, in a free ſtate, every man (who is conſidered as having a free ſpirit) ought to be governed by himſelf; 'tis neceſſary, that the people, in a collective body, have the power of legiſlation. But as this is impoſſible in great, and is ſubject to many inconveniences in ſmall ſtates, the people muſt neceſſarily do by its repræſentatives whatever it cannot in its collective capacity.

We are much better acquainted with the neceſſity of our own, than of other towns; and judge better of the abilities of our neighbours, than of our more remote countrymen. On this account the members of the legiſlature ought not to be taken indiſcriminately from the body of the nation in general, but it is more convenient that the inhabitants of every principal place elect their own repræſentative.

The great advantage of a repræſentation is, that by it affairs can be deliberately examined and diſcuſſed. For this the whole people in a collective body

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are by no means fit; and 'tis what makes one of the great inconveniences of the democratical form.

It is not neceſſary that the repræſentatives, who have received from their conſtituents general inſtructions, receive their particular direction on every occaſion; as is the cuſtom in the diets of Germany. It is true, that in this way the voice of the deputies would be more expreſsly the voice of the nation: but it would produce infinite delays; would render each particular deputy the maſter of all the reſt; and, on the moſt preſſing occaſion, the whole force of the nation might be put to a ſtand by the caprice of a ſingle man.

When the deputies (ſays Mr. Sidney with great juſtice) repræſent a ſeparate ſtate or diſtinct body of people, as in Holland, they ought to give an account to thoſe who have commiſſioned them: the caſe is different when they are deputed by boroughs, as in England.

All the citizens in the ſeveral diſtricts ought to have the right of giving their votes at the election of the repræſentative, except ſuch as are in ſo low circumſtances, that they cannot be imagined to have a will of their own.

It was a great defect in moſt of the ancient commonwealths, that the people had a right to take reſolutions which require action and execution; a matter of which they are entirely incapable. The people ought never to enter into the adminiſtration, unleſs to elect its repræſentatives; which is well within its reach. For altho' there be few who know the preciſe degree of mens capacities; yet every one is able to know in general, whether he for whom he

gives

gives his ſuffrage, has more underſtanding than moſt others.

The repræſentative-body ought not to be elected to form any active reſolution, which would not do well; but to enact laws, or to ſee that thoſe which have been enacted, be ſtrictly executed. 'Tis what can be done rightly by it, and rightly by it alone.

There are in every ſtate perſons diſtinguiſhed by birth, poſſeſſions, or honors. If theſe were not ſeparated from the inferior ſort of people, and had only an æqual voice with others; the common liberty would be their ſlavery: they would have no intereſt to defend it, as moſt of the public reſolutions would be in oppoſition to them. On this account their ſhare in the legiſlature ſhould be proportioned to their other advantages in the ſtate: and this will be the caſe, if they form a ſeparate body, which ſhall have a right to ſtop the proceedings of the Commons, as the Commons have to ſtop theirs.

Thus the legiſlative power will be veſted in the Nobility, and repræſentatives of the Commons; who will have each their aſſemblies and deliberations apart, as well as ſeparate views and ſeparate intereſts.

Of the three powers of which we have ſpoken, the judicative is in ſome meaſure null. There remain but the legiſlative and executive: and as they have need of a regulating authority to temper them, that part of the legiſlature which is compoſed of the Nobility, is very proper to produce this effect.

The Nobility ought to be a hereditary body. It is ſo, firſt, by its own nature; and, beſides, it ought to have a mighty intereſt in præſerving its prærogatives;

tives; which are odious in themſelves, and, in a free ſtate, muſt ever be in danger.

But as a hereditary power may be induced to purſue its own private intereſts, forgetful of thoſe of the community, it is neceſſary, that in matters in which people have a great and ſovereign intereſt to corrupt it, as in laws relating to the levying of money, it have no ſhare in the legiſlation, but by a cohibitive, and not by a ſtatutory power.

I call a ſtatutory power, the right of ordaining by one's proper authority, or of amending what hath been ordained by another. By a cohibitive power, I underſtand a right to render null a reſolution taken by another. This was the power of the Tribunes at Rome. And although whoever has this cohibitive power, may alſo have the right of approving; yet this approbation is nothing elſe than a declaration, that he don't make uſe of this his power of cohibition: and from this power it is derived.

The executive power ought to be in the hands of the prince alone; becauſe that part of the government, which almoſt always requires ſpeed and diſpatch, is better adminiſtered by one than by many: whereas what depends on the legiſlative, is often better managed by many than by one.

But if there were no monarch, and the executive authority were intruſted to a certain number of perſons taken from the legiſlative body, there would be no more any liberty; becauſe theſe two powers would be united, as the very ſame perſons ſometimes would, and always might have a part in each of them.

Were the legiſlature not aſſembled for any conſiderable

derable time, liberty would be no more. For in that caſe one of two things would of neceſſity happen: Either no more legiſlative reſolutions would be taken, and the ſtate would fall into anarchy; or theſe reſolutions would be taken by the executive power, which of courſe would become abſolute.

There is no occaſion that the legiſlative body be always aſſembled. It would be inconvenient for the repræſentatives; and, beſides, would employ the executive power too much; as it would not mind the execution of the law, but be chiefly taken up in defending its own prærogatives, and right of execution.

Further, if the legiſlative body were continually aſſembled, no other changes might happen in it than the ſupply of new deputies in the places of thoſe who ſhould die; in which caſe, were the legiſlature once corrupted, the evil would be without remedy. When different legiſlative bodies ſucceed each other, the people, which hath a bad opinion of the præſent body, fixes with reaſon its hopes on that which will come afterwards. But if it were always the ſame body, the people ſeeing it once corrupted, would have no more any hopes of the laws; would become furious, or ſink into a ſupine indolence.

The legiſlative body ought not to have the right of aſſembling by its own authority: for a body is never thought to have a will, but when it is aſſembled as ſuch; and if it did not aſſemble itſelf unanimouſly, people could not tell which party were the true legiſlative body, whether that which did aſſemble, or that which did not. If it had the right of proroguing itſelf, it might not perhaps do ſo; which would

be dangerous, when it wanted to make any attempt againſt the executive power. Beſides, there are times more convenient than others for aſſembling the legiſlature. It ſhould therefore be the executive authority, which ſhould regulate the times of the meeting and ſitting of theſe aſſemblies, as it ſhould find it proper.

If the executive power had not the right of a negative on the legiſlature's proceedings, the legiſlative body would be abſolute: for, as it could aſſume whatever powers it pleaſed, it would annihilate every other power.

But it is by no means neceſſary that the legiſlative ſhould have reciprocally a right to ſtop the executive authority: for execution having limits from its own very nature, it is of no uſe to limit it; beſides that the executive power is almoſt always employed about matters where diſpatch is principally neceſſary. Thus the power of the Tribunes at Rome was vitious, as they had not only a negative on the legiſlation, but alſo on the execution. 'Twas what occaſioned great miſchief.

But if in a free ſtate the legiſlative authority ſhould not have the right of a negative on the executive, it has however the right, and ought to have the power of examining in what manner the laws have been executed. This is an advantage ſuch a government has over thoſe of Crete and Lacedæmon, where the Coſmi and Ephori were not obliged to give any account of their adminiſtration.

Yet, whatever be the nature of this examination, the legiſlative body ought not to have a power to judge the perſon, nor of courſe the conduct of him who

who has the power of execution. His perſon ought to be ſacred; becauſe, being neceſſary to the ſtate, that he may hinder the legiſlature from becoming tyrannical, whenever he is impeached or judged, liberty is no more.

In theſe caſes the ſtate would be no monarchy, but a republic without liberty. But as the executor can't execute ill, unleſs he has wicked counſellors, who as miniſters hate the laws, tho' as men they feel the advantage of them; ſuch may be ſought after and puniſhed. This is an advantage ſuch a government has over that of Gnidus; where the law not allowing to call the Amimones to account even after their adminiſtration, the people could never get ſatisfaction for the injuries done by theſe magiſtrates.

Altho' the judicative power ought never to be united with any part of the legiſlative, yet this admits of three exceptions, founded on the particular intereſt of the perſon to be judged.

The great are always expoſed to envy; and, if they were judged by the Commons, they might be in danger, and would not enjoy that privilege, which in every free ſtate the meaneſt citizen has, of being judged by his peers. The Nobility therefore ought to be ſummoned, not before the ordinary tribunals of the country, but before that part of the legiſlature which is compoſed of the Nobles.

It may be, that the law, which is both clear-ſighted and blind at the ſame time, may be in certain caſes too rigorous. But the judges of the nation are, as we have ſaid, nothing elſe than the mouth which pronounces the words of the law, and, as it were, inanimate

animate beings, who can't temper either its force or its rigor. It is therefore that part of the legiſlative authority, which as we have juſt now been ſaying is a neceſſary tribunal in another caſe, is ſo in this alſo. It belongs to its ſupreme authority, to moderate the law in favor of the law itſelf, by pronouncing leſs rigorouſly than it.

It may happen too, that a citizen, in public affairs, may violate the people's rights, and commit crimes which the ordinary and eſtabliſhed magiſtrates neither could nor would puniſh. But it is a general maxim, That the legiſlature cannot judge; and it can do ſo yet leſs in this particular caſe, where it repræſents the party intereſted, the people. It cannot therefore be any thing but the accuſer. Before whom then ſhall it accuſe? Shall it go demean itſelf before the courts of law, which are its inferiors, and are beſides compoſed of judges, who, being of the rank of its own members, would be carried along by the authority of ſo auguſt an accuſer? No. To præſerve the dignity of the people, and for the ſafety of the accuſed, it is neceſſary that that part of the legiſlature which is choſen from the Commons, præſent its impeachment before the Nobles, who have neither the ſame intereſts nor the ſame paſſions with the people.

This is an advantage ſuch a government enjoys over moſt of the ancient republics, where this error almoſt univerſally obtained, That the people were at the ſame time both judge and accuſer.

The executive power, as we have ſaid, ought to take a ſhare in the legiſlature by its power of cohibition, without which it would ſoon be ſpoiled of its prærogatives.

prærogatives. But if the legiſlature aſſumes a part in the execution, the executive authority will be equally undone.

If the monarch took a ſhare in legiſlation by a ſtatutory power, liberty would be no more. But as it is neceſſary he have his ſhare in the legiſlature for his own defence, he ſhould take part in it by his cohibitive power alone.

What cauſed the changes of government at Rome, was, that the ſenate, which had one ſhare of the executive authority, and the magiſtrates, who had the other, had not, like the people, the power of cohibition.

Such then is the fundamental conſtitution of the government of which we are ſpeaking. There the legiſlative body being made up of two parts, they will fetter each other by their cohibitive power, while both are connected by the executive authority, which itſelf will be ſo by the legiſlative.

Theſe three powers ſhould naturally produce repoſe or inactivity. But as by the neceſſary movement of affairs they are conſtrained to act, they will be obliged to act in concert.

The executive power having no ſhare in the legiſlature but by its negative power, ſhould not enter into the debates on public affairs. It is not even neceſſary that it ſhould make propoſals; becauſe having it ever in its power to diſapprove whatever reſolutions are taken, it can reject the deciſions of what propoſitions it would not have wiſhed had been made.

In ſome ancient commonwealths, where the whole people in a body engaged in the debates, it was natural

tural that the executive power ſhould offer propoſitions, and have the right of debating them in the public aſſembly. Without this there would have been ſtrange confuſion in whatever reſolutions were formed.

If the executive authority determines about the levying the public money otherwiſe than by its conſent, liberty is at an end, as the executor will become legiſlative in the moſt important point of legiſlation.

If the legiſlative power appoints the levy of the public treaſures, not from year to year, but for ever, it runs a riſk of loſing its liberty, as the executive will no more depend on it; and, provided one holds an æqual right for ever, it matters not from whom it be held, whether from one's ſelf or another. The caſe is the ſame, if it orders the levies of ſoldiers and ſeamen, who muſt be intruſted to the executive power, not from year to year, but for ever.

That the executor of the law may not be able to oppreſs, the forces intruſted to him ſhould be made up from the whole people, and have the ſame ſpirit with them; as it was at Rome till the days of Marius. There are but two ways by which this can be effected: Either thoſe employed in the army, muſt have ſubſtance enough to anſwer for their behaviour to the other citizens, and be only inrolled for one year, as was the practice among the Romans; or if there be a ſtanding corps, in which the ſoldiers are made up of the meaneſt of the people, it is neceſſary the legiſlature have power to break it whenever it pleaſes; and the ſoldiers muſt live with the other

other citizens, having neither a ſeparate camp, nor caſerns, nor places of ſtrength.

The army being once eſtabliſhed, ſhould not depend immediately on the legiſlative, but executive authority: and this from the very nature of the thing, as the buſineſs of a ſoldier conſiſts more in action than deliberation.

'Tis the way of the world, to make more account of courage than caution, activity than prudence, ſtrength than counſel. An army will ever deſpiſe a ſenate, but reſpect its officers. It will not regard orders ſent it by a body, compoſed of people whom it will believe fearful, and of courſe unworthy of command. Thus, ſo ſoon as an army ſhall depend only on the legiſlature, the government will become military. And if at any time it has happened otherways, 'tis the effect of ſome extraordinary circumſtances: Either the army is ever kept ſeparate, or conſiſts of ſeveral corps, which depend each on their particular province; or the capital cities are convenient places, which defend themſelves by their ſituation alone, *and in which* there are no troops. Hence Holland is yet more ſecure than Venice. It could drown whatever troops revolted, or could make them periſh for hunger. They are not quartered in towns which could afford them ſubſiſtence. This ſubſiſtence is of courſe precarious.

If we read Tacitus's admirable work on the manners of the Germans *, we will ſee that it is from

 them

* "Affairs of ſmaller moment the chiefs determine; about matters of higher conſequence the whole nation deliberates; yet in ſuch ſort that whatever depends upon the pleaſure and deciſion of

them the Engliſh have taken the idea of their political conſtitution. This fine ſyſtem hath been found in the woods *.

As all human inſtitutions have their periods, the ſtate we ſpeak of will periſh. It will loſe its liberty. Rome, Lacedæmon, and Carthage, have periſhed. It will periſh when the legiſlative ſhall become more corrupted than the executive authority.

'Tis not my buſineſs to examine, whether the Engliſh actually enjoy this liberty or not. 'Tis ſufficient for me to ſay it is eſtabliſhed by their laws. I inquire no farther.

I mean not by this to diſparage other governments, or to ſay that this high degree of political liberty ought to mortify thoſe who enjoy but a moderate ſhare of it. How ſhould I mean it? I who believe that exceſs even of reaſon is not always deſirable, and that men almoſt ever ſuit themſelves better with means than extremes.

Harrington, in his *Oceana*, hath alſo inquired what was the higheſt pitch of liberty to which the conſtitution of a ſtate might be carried. But we may ſay of him, that he has not ſought for this liberty but after having overlooked it; and that he hath built Chalcedon with the coaſt of Byzantium before his eyes.

" of the people, is examined and diſcuſſed by the chiefs." *Gordon's Tacitus.*

* From ſuch imperfect hints as are to be found in this little piece of Tacitus, 'tis not eaſy to imagine the idea of ſo perfect a form has been taken. One would rather believe, that the author couched in this myſterious way an opinion a Frenchman dare ſcarce avow, that this happy eſtabliſhment was ſecured at the revolution 1688, concerted by the lovers of Britiſh liberty, and the Prince of Orange, at his houſe of the Wood, and afterwards completed by the acceſſion of the præſent reigning German family.

BOOK XIX. CHAP. XXVII.

How laws may contribute to form the morals, the manners, and the character of a nation.

THE cuſtoms of an inſlaved people, are a part of their ſervitude; thoſe of a free people, are a part of their liberty.

I have ſpoken in the 11th book of a free people; I have laid down the principles of their conſtitution: let us now ſee the effects which ought to follow, the character which may be formed, and the manners which reſult from it.

I don't ſay, that the climate has not, in a great meaſure, produced the laws, morals, and manners of this nation: but I affirm, that the morals and manners of this nation muſt have a great relation to their laws.

As there muſt be in this ſtate two viſible powers, the legiſlative and executive, and as every citizen there muſt have his own will, and according to his own humor muſt improve his independence; moſt people will have more affection for one of thoſe powers than for the other, the greateſt number not having commonly enough of æquity or ſenſe to regard both with æqual affection.

And as the executive power, diſpoſing of all employments, will be able to raiſe great expectations, but never to terrify or awe; all thoſe who ſhall obtain places from it, will have a bias to turn to its ſide; and it may be attacked by all ſuch as hope for

nothing from it. All paſſions, there, being free; hatred, envy, jealouſy, an ardor to become rich, and to diſtinguiſh one's ſelf, will appear in all their extent: and, if it were otherwiſe, the ſtate would be like a man overwhelmed with ſickneſs, who has no paſſions, becauſe he has no ſtrength.

The hatred betwixt the two parties will remain, becauſe it will always be impotent.

Theſe parties being made up of free men, if the one take too much upon them, the effect of liberty will be, that this very party will be humbled whenever the citizens, as the hands which ſuccour the body, ſhall come to relieve the other.

As every particular, always independent, will much follow his own caprices and fancies, people will often change ſides; they will abandon one, or they will forſake all their friends, to join another party, in which they will find all their enemies: and often in this nation they will even forget the laws of friendſhip and reſentment.

The King will be in the ſame ſituation with particulars; and, contrary to the common maxims of prudence, will be often obliged to place his confidence in thoſe who have moſt offended him, and to diſgrace thoſe who have beſt ſerved him, doing by neceſſity what other princes do by choice.

We are afraid to loſe a good which we immediately feel, the nature of which we little underſtand, and which may eaſily be diſguiſed. Now, as fear always augments objects, the people will be uneaſy about their ſituation, and imagine themſelves in danger at a time when they are moſt ſecure;

By ſo much the more, as thoſe who moſt keenly oppoſe

oppoſe the executive power, not daring to confeſs the intereſted motives of their oppoſition, will augment the terrors of the people, who never exactly know whether they be in danger or not. But even this will contribute to make them evite real dangers to which they may be afterwards expoſed.

But the legiſlative power having the confidence of the people, and being better informed than they, will be able to remove the bad impreſſions which have been given them, and to calm their movements.

This is the great advantage which this government muſt have above the ancient democracies, in which the people had an immediate power: for when the orators ſpirited up the people, theſe agitations had always an effect.

Thus, when the terrors with which they have been alarmed ſhall have no certain object, they will not produce but vain clamors, and ſcurrilous language; and they will even have this good effect, that they will adjuſt the ſprings of government, and make every citizen attentive: but if they ariſe from a ſubverſion of the fundamental laws, they will be ſtubborn, fatal, atrocious, and will produce great cataſtrophes.

There will ſoon appear a frightful calm, whilſt all are uniting againſt that power which has violated the laws.

If in that caſe when the public diſquiets have no certain object, any foreign power threatens the ſtate, and indangers its fortune or glory; then little intereſts yielding to thoſe which are more grand, all will unite in favor of the executive power.

But if the diſputes were formed upon occaſion of a violation of the fundamental laws, and a foreign power appeared; there would then be a *revolution:* which would not change the form of government, nor its conſtitution; for thoſe revolutions which liberty forms, are nothing but a confirmation of liberty.

A free nation may have a deliverer, an inſlaved can only have an oppreſſor.

For every man who has enough of power to expel one who is already abſolute maſter in the ſtate, has enough to become ſo himſelf.

As to enjoy liberty, it is neceſſary that every one be allowed to ſay what he thinks; and as to præſerve it, it is neceſſary that every one be allowed the ſame privilege; each citizen in this ſtate may ſpeak and write whatever the laws have not expreſsly diſcharged him to ſpeak or write.

This nation, being of a warm complexion, may be more eaſily conducted by its paſſions than by reaſon, which never produces great effects upon the minds of men; and it may be eaſy for thoſe who govern, to make it undertake enterprizes contrary to its true intereſt.

This nation will love its liberty prodigiouſly, becauſe this liberty will be real: and it may happen, that, to defend it, people will ſacrifice their money, their eaſe, their intereſts; that they will burden themſelves with taxes the moſt grievous, and ſuch as a deſpotic prince would never dare to impoſe upon his ſubjects.

But as they will certainly know the neceſſity there is to ſubmit to them, and as they pay in the well-

founded hope of paying no more, the public burdens will be more heavy than the opinion people have of them; whereas there are ſtates where the opinion entertained is infinitely above the evil itſelf.

It will have a ſure credit, as it will borrow within itſelf, and pay itſelf. It may happen, that it will undertake enterprizes above its natural ſtrength, and improve againſt its enemies thoſe immenſe fictitious riches, which the confidence repoſed in, and nature of its government will render real.

To præſerve its liberty, the ſtate will borrow of the ſubjects; and the ſubjects, who will ſee that its credit will be loſt if it be conquered, muſt have a new motive to make efforts to defend its liberty.

If this nation ſhould inhabit an iſland, it would not be a conquering nation; becauſe diſtant conqueſts would weaken it. If the ſoil of this iſland was good, it would be yet leſs ſo; becauſe it would not ſtand in need of war to become rich: and as no citizen will depend on another, every one will have more regard to his own liberty, than to the glory of a few, or of any one particular citizen.

There they will regard ſoldiers as men of an employment which may be uſeful, often dangerous, as people whoſe ſervices are burdenſome to the nation itſelf; and there civil accompliſhments will be more conſidered.

This nation, which peace and liberty will render eaſy, free'd from deſtructive præjudices, will be led to merchandize. If it has any of thoſe original commodities which ſerve for making thoſe things to which the work of the labourer adds a great value, it may make eſtabliſhments proper to procure for itſelf

ſelf the enjoyment of this gift of Heaven in its full extent.

If this nation ſhould be ſituate towards the north, and if it ſhould have a great number of ſuperfluous goods; as it would likewiſe ſtand in need of a great many commodities not produced in its own climate; it would carry on a neceſſary, but great commerce with the people of the ſouth; and making choice of ſtates to which it will offer an advantageous commerce, it would make uſeful treaties reciprocally with the nation which it had choſen.

In a nation where, on the one hand, opulence would be extreme, and, on the other hand, taxes exceſſive, hardly without induſtry could one live upon a moderate fortune; many people, under prætence of travelling, or health, will baniſh themſelves from their native country, and ſeek abundance even in countries of ſlavery.

A mercantile nation has a prodigious number of little particular intereſts; it can then offend and be offended an infinity of ways: it muſt be highly jealous, and fret itſelf more at the proſperity of others, than enjoy its own good fortune.

And its laws, otherwiſe ſoft and gentle, may be with regard to the commerce and navigation that is carried on with it, ſo rigid, that it may ſeem to trade with none but its enemies.

If this nation ſhould ſend colonies to a diſtant place, it would do this more that it might extend its commerce than its dominion.

As people love to eſtabliſh abroad what is eſtabliſhed among themſelves, this nation would give to the people of its colonies the form of its own government;

ment; and this government carrying proſperity along with it, one might ſee grand nations ariſe in thoſe very woods to which it ſent out inhabitants.

It might be, that formerly it had ſubdued a neighbouring nation; of which, on account of its ſituation, the convenience of its harbours, and the nature of its riches, it might become jealous: ſo that, tho' it ſhould have allowed it laws of its own, it would hold it in great dependence; inſomuch that the citizens would be free, the ſtate itſelf inſlaved.

The conquered ſtate would have a very good civil government; but it would be oppreſſed with regard to thoſe things in which it interfered with the other nation; and they would impoſe upon it laws relative to the two nations, which would be ſuch that its proſperity could not but be precarious, and only in truſt for the advantage of a maſter.

The reigning nation inhabiting a great iſland, and being in poſſeſſion of a great trade, would have vaſt advantages for ſtrength by ſea: and as the præſervation of its liberty would require that it ſhould have neither caſtles nor fortreſſes, nor armies by land, it would have need of an army by ſea to præſerve it from invaſions; and its marine would be ſuperior to that of all other powers, who having occaſion to employ their finances in war by land, will not have enough for war by ſea.

The empire of the ſea has always given to thoſe, who poſſeſſed it, a natural haughtineſs; becauſe, finding themſelves able to inſult every where, they believed that their power was unbounded as the ocean.

This nation might have a great influence upon the

affairs of its neighbours: for as it would not employ its power to conquer, they would ſeek its friendſhip, and dread its hatred, more than the inconſtancy and internal agitation of its government would ſeem to permit.

So likewiſe would it be the fate of the executive power, to be almoſt always diſquieted at home, and reverenced abroad.

If it ſhould happen, that this nation became on ſome occaſions the centre of the negotiations of Europe, it would act with more probity and fidelity than the other powers; becauſe its miniſters being often obliged to juſtify their conduct before a popular council, their negotiations could not be ſecret, and they would be forced on this account to be the more honeſt.

Beſides, as they would be as it were guarantees of the events which a diſhoneſt conduct might give riſe to, the moſt upright method would be for them the ſureſt.

If the Nobles had at certain times had an immoderate power in the nation, and the monarch had found means to humble them, by exalting the people; the point of extreme ſlavery would have been, from the time of humbling the Nobility, till that when the people began to perceive their own power.

It might happen, that this nation having been heretofore ſubjected to an arbitrary power, would have on many occaſions præſerved the ſtyle of this arbitrary power, inſomuch that, upon the foundation of a free, there might often appear the form of an abſolute government.

With

With regard to religion, as in this ſtate every citizen would have his own will, and of conſequence would be conducted by his own underſtanding or fancies; it might happen, either that every body would have much indifference for all religions, of whatever kind they were, and yet every one would be inclined to embrace the reigning religion; or they would be zealous for religion in general, when at the ſame time ſects would be greatly multiplied.

It might not be impoſſible, that there ſhould be people in this nation who would have no religion, and yet who would not incline that they ſhould be obliged to change that which they profeſſed, if they profeſſed any: for they would immediately perceive, that life and property are not more their own, than their way of thinking; and that they might more eaſily be deprived of the one than the other.

If, among the different religions, there had been one which had been endeavoured to be eſtabliſhed by the way of ſlavery, it would be odious; becauſe, as we judge of things by their accidental circumſtances and connexions, this would never præſent itſelf to the mind along with the idea of liberty.

The laws againſt ſuch as profeſſed this religion would not be bloody, for liberty thinks not of ſuch ſort of puniſhments; but they would be ſo reſtraining, that they would do it all the harm that could be done in cold blood.

It might happen a thouſand ways, that the clergy would have little credit, and that the other citizens would have more; ſo, inſtead of abſtracting themſelves, they would rather chuſe to bear the ſame

burdens as the laity, and to make in this reſpect only one body: but as they will always ſeek to gain the reſpect of the people, they would diſtinguiſh themſelves by a life more retired, a conduct more reſerved, and morals more pure.

This clergy, not being able to protect, nor to be protected by religion, as they have no power to conſtrain, would try to perſuade; and you would ſee excellent works flow from their pens, in proof of revelation, and the providence of the Supreme Being.

It might even happen, that they would elude the aſſemblies of the clergy, and would not permit them to correct their own abuſes; and that, by a delirium of liberty, they would rather incline to leave their reformation imperfect, than allow them to be reformers.

Dignities making a fundamental part of the conſtitution, will be more fixed than elſewhere: but, on the other hand, the great, in this country of liberty, will be more on a level with the people; the ranks will then be more ſeparate, the perſons more confounded.

Thoſe who govern, having a power, which, ſo to ſpeak, ſtands always in need of being new-mounted and renewed, will have more regard for thoſe who are uſeful to them, than for thoſe who divert them: ſo one will there ſee very few courtiers, flatterers, complaiſant people, or in ſhort ſuch as make the great pay for their want of wit.

They will not much æſtimate men by frivolous talents or qualities, but by real qualifications. Of this kind there will only be two; riches, and perſonal merit.

There

There will there be ſolid luxury; founded not upon the refinement of vanity, but upon that of real need: and in every thing they will chiefly ſeek ſuch pleaſures as nature has joined to the objects.

They will there enjoy great ſuperfluity, and yet frivolous things will be baniſhed. Thus many having more money than occaſions of expence, they will employ it in an odd manner: and in this nation there will be more ſpirit than taſte.

As they will be always occupied about their intereſt, they will not have that politeneſs which ariſes from idleneſs; and really they will have no time for it.

The æra of the politeneſs of the Romans, is the ſame with that of the eſtabliſhment of arbitrary power. An abſolute government produces idleneſs, and idleneſs gives birth to politeneſs.

The more people there are in a nation who ſtand in need of addreſs among themſelves, and caution not to diſpleaſe, there will be the more politeneſs: but it is more a politeneſs of morals than of manners, which ought to diſtinguiſh us from a barbarous people.

In a nation where every man, according to his own way, will take a ſhare in the adminiſtration of the ſtate, the women ought not to live much with the men. They will then be modeſt, that is to ſay, baſhful; and this baſhfulneſs will præſerve their virtue: while the men, without gallantry, plunged in a debauch, leave them wholly at their liberty and leiſure.

The laws not being made for one citizen more than another, every one will regard himſelf as a monarch;

and

and men in this nation will rather be allies than citizens.

If the climate has given to a good many people a reſtleſs ſpirit, and extenſive views: in a country where the conſtitution will give to every body a ſhare in the government, and certain political intereſts, people would talk much of politics; and you would ſee ſome men paſs their lives, in calculating events, which, conſidering the nature of things, and the caprice of fortune, that is to ſay, men, are ſcarce ſubject to calculation.

In a free nation, it is often all one, whether particulars reaſon well or ill; it is enough that they reaſon: from this flows that liberty which prævents the bad effects of this very reaſoning.

In the ſame way, in a deſpotic government, it is æqually pernicious, whether they reaſon well or ill. Reaſoning in any ſhape is contrary to the principle of their government.

Many people who won't take much trouble to pleaſe any body, will give themſelves quite up to their own humor. The generality having ſpirit will be tormented with this very ſpirit; diſdaining, or being diſguſted with every thing, they will be unhappy amidſt ſo many cauſes of not being ſo.

No citizen being afraid of another, this nation will be haughty; for the haughtineſs of kings ariſes from nothing elſe but their independence.

Free nations are proud, others may be more eaſily vain.

But theſe haughty men living much by themſelves, will be often ſurrounded with people unknown. They will be reſerved; and you may generally

nerally obſerve in them an odd mixture of falſe ſhame and pride.

The character of this nation would eſpecially appear in its works of wit; in which you might ſee perſons of great depth and recollection, who, having thought all alone, would embrace notions peculiar to themſelves.

Society teaches us to perceive what is ridiculous: ſolitude makes us perceive what is vitious. Their ſatyrs will be bloody; and one will ſee among them many Juvenals, before you find one Horace.

In monarchies extremely abſolute, the hiſtorians betray the truth, becauſe they dare not ſpeak it. In ſtates extremely free, they betray it by reaſon of their very freedom; which always producing diviſions, every one will become as much a ſlave to the prædjudices of his party, as he would be to thoſe of a deſpotic maſter.

Their poets will more commonly have that rudeneſs of invention which attends originals, than that delicacy which taſte inſpires. You will find ſomething there which reſembles more the ſtrength of Michael Angelo than the grace of Raphael.

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